

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LUCILA MARTINEZ-VIVANCO,

Civil No. 23-1497 (JRT/DTS)

Petitioner,

v.

ORDER

FCI WASECA WARDEN,

Respondent.

Lucila Martinez-Vivanco, Reg. No. 22293-171, FCI Waseca, P.O. Box 1731, Waseca, MN 56093, *pro se* petitioner.

Ana H Voss, Lucas Draisey, Assistant United States Attorneys, **UNITED STATES ATTORNEY'S OFFICE**, 300 S 4th St Ste 600, Minneapolis, MN 55415, for respondent.

United States Magistrate Judge David T. Schultz filed a Report and Recommendation on January 23, 2024. (ECF No. 23) No objections have been filed to that Report and Recommendation in the time period permitted.

The Court, being duly advised in the premises, upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Martinez-Vivanco's habeas petition [ECF No. 1] is **DENIED**.
2. Petitioner's motion to be heard and to have her 28 U.S.C. 2241 petition granted [ECF No. 13] is **DENIED** as moot.

3. Petitioner's motion to have her 28 U.S.C. 2241 petition granted [ECF No. 17] is **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: February 27, 2024
at Minneapolis, Minnesota

s/John R. Tunheim

JOHN R. TUNHEIM
United States District Court